



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

SDD:DMP/AAS/ICR  
F. #2015R00096

*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 8, 2017

By Email

The Honorable Margo K. Brodie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Fareed Mumuni  
Criminal Docket No. 15-393 (MKB)

Dear Judge Brodie:

The government respectfully submits this letter in anticipation of a guilty plea by defendant Fareed Mumuni in the above-captioned case. The guilty plea is scheduled for Thursday, February 9, 2017, at 2 p.m.

The defendant is expected to plead guilty to five counts of the indictment, which charges that he conspired to provide and attempted to provide material support to the foreign terrorist organization the Islamic State of Iraq and the Levant ("ISIL"), conspired to assault federal officers, attempted to murder federal officers, and assaulted a federal officer. To assist the Court in receiving the defendant's plea, the government sets forth the elements of these crimes below:

A. Count One – Conspiracy To Provide Material Support  
To a Foreign Terrorist Organization

First, that the defendant entered into an unlawful agreement to provide material support or resources to a foreign terrorist organization, specifically, ISIL, knowing that ISIL was a designated terrorist organization or that ISIL had engaged or was engaging in terrorist activity or terrorism; and

Second, that the defendant knowingly and intentionally became a member of the conspiracy.

See 18 U.S.C. § 2339B(a)(1); United States v. Farhane, 634 F.3d 127, 144 (2d Cir. 2011) (describing elements of conspiracy to provide material support as requiring proof of the “existence of the conspiracy alleged” and “the defendant’s membership in it”).

B. Count Two – Attempt To Provide Material Support  
To a Foreign Terrorist Organization

First, that the defendant intended to commit the crime of providing material support to a foreign terrorist organization, that is, intended to provide material support or resources to ISIL, knowing that ISIL was a designated terrorist organization or that ISIL had engaged or was engaging in terrorist activity or terrorism; and

Second, that the defendant did some act that was a substantial step in an effort to bring about or accomplish the crime.

See 18 U.S.C. § 2339B(a)(1); Farhane, 634 F.3d at 145 (describing elements of attempt to provide material support as requiring proof that the defendant “had the intent to commit the object crime” and “engaged in conduct amounting to a substantial step towards its commission”); see also Jury Charge, United States v. Pugh, No. 15-CR-116 (NGG) (ECF Doc. No. 113), at 22-26.

C. Count Three – Conspiracy To Assault Federal Officers

First, that the defendant entered into an unlawful agreement to assault federal officers while such persons were engaged in or on account of the performance of official duties and to do so with the use of a dangerous and deadly weapon;

Second, that the defendant knowingly and willfully became a member of the conspiracy;

Third, that one of the members of the conspiracy knowingly committed at least one of the overt acts charged in the indictment; and

Fourth, that the overt act was committed to further some objective of the conspiracy.

See 18 U.S.C. §§ 371, 111(a)(1), 111(b); Hon. Leonard B. Sand, et al., Modern Federal Jury Instructions (Criminal) § 19.01, Instruction 19-3 (2016).

D. Count Five – Attempted Murder of Federal Officers<sup>1</sup>

First, that the defendant unlawfully attempted to kill the victim;

Second, that the defendant acted with malice aforethought;

Third, that the defendant acted with premeditation;

Fourth, on or about June 17, 2015, the victim was a federal officer and, at the time of the attempted murder, was engaged in the performance of his official duties.

See 18 U.S.C. § 1114(a)(1); Hon. Leonard B. Sand, et al., Modern Federal Jury Instructions (Criminal) § 41.01 & 41.03, Instructions 41-2 & 41-24 (2016).

E. Count Six – Assault on a Federal Officer

First, that on or about June 17, 2015, the victim was a federal officer;

Second, that at that time, the defendant forcibly assaulted or resisted or opposed or impeded or intimidated or interfered with the victim, and this forcible action involved the intent to commit a subsequent felony;

Third, that, at the time, the victim was engaged in the performance of his official duties or was assaulted on account of his official duties;

Fourth, that the defendant acted willfully; and

Fifth, that the defendant used a deadly or dangerous weapon to commit such acts.

See 18 U.S.C. § 111(a)(1); Hon. Leonard B. Sand, et al., Modern Federal Jury Instructions (Criminal) § 14.01, Instruction 14-2 (2016).

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<sup>1</sup> The defendant is not charged in Count Four, which contains charges only as to co-defendant Munther Omar Saleh.

The government also encloses a plea penalty sheet to advise the Court of the penalties that the defendant faces upon pleading guilty to the charges set forth above.

Respectfully submitted,

ROBERT L. CAPERS  
United States Attorney

By: /s/ Douglas M. Pravda  
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Alexander A. Solomon  
Ian C. Richardson  
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cc. Clerk of the Court (MKB)  
Deborah Colson, Esq. (via email)